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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,222	10/28/2003	Kusha A. Sheikholeslami	WC/475A	4937
7590 08/04/2004				
W. L. Gore & Associates, Inc. 551 Paper Mill Road P.O. Box 9206 Newark, DE 19714-9206			EXAMINER PATEL, DHIRUBHAI R	
			ART UNIT 2831	PAPER NUMBER

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/695,222

Applicant(s)

SHEIKHOESLAMI ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-21, 24, 27, 45-92 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 5, "non -interlocking solids" should be "said non-interlocking solids", instead for improved clarity.

In claim 2 lines 2-3, "non -interlocking solids" should be "said non-interlocking solids", instead for improved clarity.

In claim 5 lines 1-2, "said non -interlocking, motion-limiting, solids" lacks antecedent basis.

In claim 24 line 1, insert -- said non-interlocking-- before "solids" to match with claim 23.

In claim 27 line 1, insert -- said non-interlocking-- before "solids" to match with claim 23.

In claim 45 line 4, "non -interlocking solids" should be "said non-interlocking solids", instead for improved clarity.

In claim 62 line 4, "non -interlocking solids" should be "said non-interlocking solids", instead for improved clarity.

In claim 78 line 4, "non -interlocking solids" should be "said non-interlocking solids", instead for improved clarity.

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**Note: use claims 1, 24, 27, 45,62 and 78, as guide line to incorporate changes in the claims as suggested by examiner for dependents claims.**

***Allowable Subject Matter***

2. Claims 1 - 92 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 1-92 are the inclusion therein, in combination as currently claimed, of the limitation of the support member comprising: a plurality of non interlocking solid attached to said flexible material, said non interlocking solids have portions that contact one another and restrict bending of said flexible material in one direction of movement, and said portions of said non interlocking solids separate from one another when said flexible material is activated in an opposite direction of movement (for claims 1-21), and the support member comprising: a plurality of non interlocking solid attached to said flexible material, at least one filament attached to said plurality of non- interlocking solids, wherein, said at least one filament restricts motion of said flexible material in one direction of movement and said at least one filament does not restrict motion of said flexible material in an opposite direction of movement (for claims 22-44), and the support member comprising: a plurality of non interlocking solid in a single construct, said non interlocking solids have portions that contact one another and restrict bending of said flexible material in one direction of movement, and said portions of said non interlocking solids separate from one another when said flexible material is activated in an opposite

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direction of movement (for claims 45-61), the support member comprising: a length of a first flexible polymeric material comprising a plurality of non interlocking solid, said non interlocking solids have portions that contact one another and restrict bending of said flexible material in one direction of movement, and said portions of said non interlocking solids separate from one another when said flexible material is activated in an opposite direction of movement (for claims 62-77), and a continuous strip of material comprising a series of non interlocking, motion limiting, solids, said non interlocking solids have portions that contact one another and restrict bending of said flexible material in one direction of movement, and said portions of said non interlocking solids separate from one another when said flexible material is activated in an opposite direction of movement (for claims 78-92).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

***Other prior art cited***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansell, Martin, Davis and Orouke disclose a support member similar to applicant's claimed invention.

***Contact information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhuru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel

Primary Examiner

Group Art Unit 2831

August 3, 2004

*Dhiru R Patel*  
8/3/04.  
DHIRU R. PATEL  
PRIMARY EXAMINER